

FILED - LN

July 2, 2010 10:34 AM
TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY _____ / _____ SCANNED BY AD / 717

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

REBECCA JASINSKI, as the Personal
Representative of the Estate of
NICHOLAS DANIEL BRAMAN, deceased,

Plaintiff,

Civil No.

HON. _____

1:10-cv-636

Robert J. Jonker
United States District Judge

v

SHERI TYLER, JAMIE LOVELACE,
MARY SOMMERS, RHODA DIETRICH,
MARIANNE UDOW, LAURA CHAMPAGNE,
TED FORREST, CHAD CAMPBELL and
COMMUNITY HOPE CHRISTIAN
COUNSELING
AND MENTAL HEALTH CENTER, jointly
and severally,

Defendants.

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Assistant Attorneys General
Attorneys for Defendants Tyler, Lovelace,
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(517) 373-6434

**DEFENDANTS TYLER, LOVELACE, SOMMERS, DIETRICH,
UDOW, CHAMPAGNE, AND FORREST'S NOTICE OF REMOVAL**

1. On or about May 4, 2010, a civil action entitled "*Rebecca Jasinski, as the
Personal Representative of the Estate of Nicholas Daniel Braman, deceased, v. Sheri Tyler,*

Jamie Lovelace, Mary Sommers, Rhoda Dietrich, Marianne Udow, Laura Champagne, Ted Forrest, Chad Campbell and Community Hope Christian Counseling and Mental Health Center, jointly and severally," was commenced in the Montcalm County Circuit Court for the State of Michigan and assigned file number 10-H-13280-NO. Service of a summons and complaint, a copy of which is attached as Exhibit 1, was completed on Defendant Marianne Udow on June 4, 2010. She was the first Defendant to be served with the summons and complaint and all other Defendants have since been served. None of the removing Defendants have yet answered or otherwise responded to Plaintiff's complaint.

2. This civil action may be removed from state court to this Court by Defendants Sheri Tyler, Jamie Lovelace, Mary Sommers, Rhoda Dietrich, Marianne Udow, Laura Champagne, and Ted Forrest on the basis of federal question jurisdiction because Count II of Plaintiff's Complaint seeks to recover damages or other relief pursuant to 42 USC § 1983 for the alleged violation of Plaintiff's civil rights. Under 28 USC §§ 1331 and 1343, the federal court has original jurisdiction over this claim. Because the Court has original jurisdiction based on the federal questions presented, this case is removable to federal court under 28 USC §1441(a) and (b).

3. The Court also may exercise supplemental jurisdiction over the state law claims alleged in Count I and Count III of the Complaint under 28 USC § 1367(a). That statute provides the basis for supplemental subject matter jurisdiction over the state law claims asserted in this Complaint in conjunction with its federal question jurisdiction under 28 USC §§ 1331 and 1343.

4. Upon information and belief, Co-Defendants Chad Campbell and Community Hope Christian Counseling and Mental Health Center have been served with the summons and complaint in this matter but have not yet filed an answer in the Montcalm County Circuit Court. Co-Defendants Chad Campbell and Community Hope Christian Counseling and Mental Health

Center are represented by Attorneys Harvey R. Heller and Brian C. Kelly of the law firm Maddin Hauser Wartell Roth & Heller PC.

5. The undersigned counsel telephoned Attorney Brian C. Kelly on June 30, 2010, and requested his concurrence in the removal of this action from the Montcalm County Circuit Court to the United States District Court for the Western District of Michigan, Southern Division. On July 2, 2010, defense counsel for the removing Defendants received an email from Attorney Kelly confirming that his clients concurred in the removal of this action from Montcalm County Circuit Court to this Court.

6. Other than the summons and complaint (Exhibit 1) no other process, pleadings, or orders have been served on Defendants Sheri Tyler, Jamie Lovelace, Mary Sommers, Rhoda Dietrich, Marianne Udow, Laura Champagne, and Ted Forrest.

Defendants Sheri Tyler, Jamie Lovelace, Mary Sommers, Rhoda Dietrich, Marianne Udow, Laura Champagne, and Ted Forrest, therefore, respectfully request this Court permit removal of this action from the Macomb County Circuit Court for the State of Michigan to the United States District Court for the Eastern District of Michigan, Southern Division.

Respectfully submitted,

MICHAEL A. COX
Attorney General

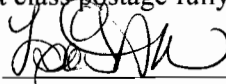
A handwritten signature in black ink that reads "Mark E. Donnelly" followed by a slanted line and the initials "MAW". To the right of the signature is the number "P30342".

Mark E. Donnelly (P39281)
John Fedynsky (P65232)
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Dated: July 2, 2010

PROOF OF SERVICE

Lisa S. Albro certifies that on the 2nd day of July, 2010, she served a copy of the above document in this matter on all counsel of record and parties *in pro per* as well as the Clerk of the Montcalm County Circuit Court at their last known addresses via first class mail by depositing same in a United States Post Office depository in Lansing, Michigan with first class postage fully paid.

A handwritten signature in black ink, appearing to read 'Lisa S. Albro', is written over a horizontal line.

Lisa S. Albro